

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

560 SEVENTH AVENUE OWNER
SECONDARY LLC,

Debtor.

Chapter No. 11

Case No.: 23-11071 (PB)

ORDER REGARDING AUGUST 3, 2023 HEARING

The Court having scheduled a preliminary hearing for August 3, 2023, at 11:00 a.m. (the “Hearing”) on the Motion for Relief from the Automatic Stay [Dkt. 10] (the “Motion”) filed by AREPIII MVTs, LLC and CREP Times Square Hotel LLC, it is hereby **ORDERED** that, in addition to any other issues counsel wish to address in their arguments, counsel should be prepared to address at the Hearing whether cause exists to lift the automatic stay pursuant to 11 U.S.C. § 362(d)(1) based on the “bad faith” factors set forth in *Pleasant Pointe Apartments, Ltd. v. Kentucky Hous. Corp.*, 139 B.R. 828 (W.D.Ky.1992), as adopted by the Second Circuit in *In re C-TC 9th Ave. P’ship*, 113 F.3d 1304, 1311 (2d Cir. 1997).

Dated: New York, New York
August 2, 2023

/s/ Philip Bentley
Honorable Philip Bentley
United States Bankruptcy Judge